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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/038,071

01/04/2002

Craig Storms

30566.203-US-01

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10/06/2008

GATES & COOPER LLP
HOWARD HUGHES CENTER
6701 CENTER DRIVE WEST, SUITE 1050
LOS ANGELES, CA 90045

EXAMINER

BETT, JACOB F

ART UNIT

PAPER NUMBER

2169

MAIL DATE

DELIVERY MODE

10/06/2008

PAPER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/038,071
Filing Date: January 04, 2002
Appellant(s): STORMS ET AL.

Jason S. Feldmar
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 7 July 2008 appealing from the Office action mailed 4 February 2008.

Art Unit: 2169

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

Art Unit: 2169

(7) Claims Appendix

A substantially correct copy of appealed claims appears in the Appendix to the appellant's brief. The minor errors are as follows: Appellant includes withdrawn claims that are not involved in this appeal.

(8) Evidence Relied Upon

2002/0107761 A1

Kark et al.

8-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 12-16, 18-24, 38-42, 44-50, 64-68, and 70-76 rejected under 35 U.S.C. 102(e) as being anticipated by Kark et al. (U.S. patent application publication No. 2002/0107761 A1).

As to claim 12, Kark et al. teaches a method for generating product data in a self-expanding data package in a computer system comprising:

Art Unit: 2169

generating one or more values in a set of one or more constant lists and storing said one or more values in the self-expanding data package, wherein the self-expanding data package is for product data (see paragraphs 0085 and 0092-0095);

generating one or more calculations that operate on one or more values in the set of one or more constant lists and storing said one or more calculations in the self-expanding data package (see paragraphs 0052, 0055, 0092-0095, and 0098);

transmitting the self-expanding data package to a second computer system that expands the self-expanding data package into an expanded table having expanded table rows, wherein each expanded table row represents a product and comprises a combination and each combination is generated by combining every value in each constant list with any combination of values from remaining parameters and performing the one or more calculations on the one or more values, wherein the one or more calculations eliminate one or more expanded table rows (see paragraphs 038, 0052, 0055, 0092-0095, 0098, and 105).

As to claims 13, 39, and 65, Kark et al. teaches further comprising, generating one or more basic table data having one or more table rows, and storing said one or more basic table data in the self expanding data package wherein the self-expanding data package is further expanded by combining every value in each constant list with each basic table row (see paragraph 0085 and 0092-0095).

Art Unit: 2169

As to claims 14, 40, and 66, Kark et al. teaches wherein one or more calculations are applied to test validity of the expanded table rows, and only those expanded table rows that are valid are maintained in the expanded table (see paragraphs 0052 and 0098).

As to claims 15, 41, and 67, Kark et al. teaches wherein one or more calculations are utilized to perform a precursor conditional test that is used to test validity of the expanded table rows (see paragraphs 0052 and 0098).

As to claims 16, 42, 68, Kark et al. teaches wherein one or more calculations are utilized to provide additional data used in the expanded table (see paragraphs 0092-0095).

As to claims 18, 44, and 70, Kark et al. teaches wherein one or more calculations provide for eliminating duplicate expanded table rows (see paragraph 0107).

As to claims 19, 45, 71, Kark et al. teaches wherein the self-expanding data package is written in extensible markup language (XML) (see paragraph 0038).

As to claims 20, 46, and 72, Kark et al. teaches wherein one or more calculations are selected through a graphical user interface (see paragraph 0102).

As to claims 21, 47, and 73, Kark et al. teaches wherein the self-expanding data package is transmitted across a network (see paragraph 038).

As to claims 22, 48, 74, Kark et al. teaches wherein one or more calculations comprise one or more filters that limit results displayed from the expanded table rows (see paragraph 0098).

As to claim 23, 49, and 75, Kark et al. teaches wherein an editor is used to directly edit the self-expanding data package (see paragraph 0102).

As to claim 24, 50, and 76, Kark et al. teaches wherein logic for expanding the data package into the expanded table is fully defined within the data package and the data (see paragraph 0052, 0055, 0092-0095 and 0098).

As to claim 38, Kark et al. teaches an apparatus for generating product data in a self-expanding data package in a computer system comprising:

(a) a computer system having a memory and a data storage device coupled thereto; (b) one or more computer programs, performed by the computer system, for generating a self-

Art Unit: 2169

expanding data package and storing the self-expanding data package in the memory (see paragraphs 0004-0006), wherein the self-expanding data package is for product data and comprises:

(i) one or more values in a set of one or more constant lists (see paragraphs 038, 0052, 0055, 0092-0095, 0098, and 105); and

(ii) one or more calculations that operate on one or more values in the set of one or more constant lists (see paragraphs 0052, 0055, 0092-0095, and 0098);

wherein the self-expanding data package is transmitted to a second computer system that expands the self-expanding data package into an expanded table having expanded table rows, wherein each expanded table row represents a product and comprises a combination and each combination is generated by combining every value in each constant list with any combination of values from remaining parameters and performing the one or more calculations on the one or more values, wherein the one or more calculations eliminate one or more expanded table rows (see paragraphs 038, 0052, 0055, 0092-0095, 0098, and 105).

As to claim 64, Kark et al. teaches an article of manufacture comprising a program storage medium readable by a computer and embodying one or more instructions executable by the computer to perform a method for generating product data in a self-expanding data package in a computer system, the method comprising:

Art Unit: 2169

generating, in the self-expanding data package, one or more values in a set of one or more constant lists, wherein the self-expanding data package is for product data(see paragraphs 0085 and 0092-0095);

generating, in the self-expanding data package, one or more calculations that operate on one or more values in the set of one or more constant lists(see paragraphs 0052, 0055, 0092-0095, and 0098);

wherein the self-expanding data package is transmitted to a second computer system that expands the self-expanding data package into an expanded table having expanded table rows, wherein each expanded table row represents a product and comprises a combination and each combination is generated by combining every value in each constant list with any combination of values from remaining parameters and performing the one or mote calculations on the one or more values, wherein the one or more calculations eliminate one more expanded table rows (see paragraphs 038, 0052, 0055, 0092-0095, 0098, and 105).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17, 43, and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kark et al.

As to claims 17, 43, and 69, Kark et al. teaches wherein the self-expanding data package comprises product data (see abstract).

Art Unit: 2169

However, Kark et al. does not distinctly disclose product data *for use* in a computer-aided design application. Since this is only the intended use of the product data however, it fails to further limit the claim. See MPEP 2106 II C. where it is stated:

Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of the claim or the claim limitation. The following are examples of language that may raise a question as to the limiting effect of the language in a claim:

- (A) statements of intended use or filed of use,
- (B) “adapted to” or “adapted for” clauses,
- (C) “wherein” clauses, or
- (D) “whereby” clauses.

This is not intended to be exhaustive.

Further it is noted that it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the product data found in Kark et al. in a CAD application while updating the products found in the data package. This would allow the designer to update the package with new features, specifications, and attributes as the updated product is being produced.

(10) Response to Argument

A. Claims 12-16, 18-24, 38-42, 44-50, 64-68, and 70-76 are rejected as being anticipated by Kark et al.

1. Independent claims 12, 38, and 64

In response to Appellant’s arguments that “Kark fails to teach, disclose or suggest a self-expanding data package”, the arguments have been considered, but are not deemed persuasive. Appellant states “In this regard, there is a complete lack of even the remote capability to transmit a single package that contains both values in constant lists and calculations.” While the

Art Unit: 2169

examiner disagrees with Appellant's comments, it is first noted that "self-expanding data package" does not implicitly hold the definition of "containing both values in constant lists and calculations". For instance, a self extracting Zip file might be considered a "self-extracting data package".

Kark does in fact disclose a self-expanding data package that is "a single package that contains both [one or more] values in [one or more] constant lists and calculations". In paragraph 0085, Kark discloses "products are entered as records in a PRODUCT table 504". Records in a table are clearly a list (an array of items stored in a database which can be ordered in this case by the "PRODUCT ID" value). In paragraph 0052 a "stoplist" is disclosed which reads on Appellant's claimed "calculations" since the stoplist structure "allows the definition of particular products to be excluded from view by a user of the catalog based on such criteria of the user". This is because a stoplist would require a calculation (i.e., if a product has a particular PRODUCTID then exclude the product from view by the user).

There are many parts of Kark that could be considered the "self-expanding" part of the data package. This includes the fact that Kark discloses a product hierarchy including "LINKFROM" fields which represent sub-products and sub-subcomponents in order to provide a richer definition of products and their related sub-products. See paragraph 0085. Further, as disclosed in paragraph 0094, attribute records in the product table can have one or more values associated therewith. The VALUETYPE fields indicates whether the attribute has a single value, a list of enumerated values, or a more complex set of possible ranges or domains of possible values". If there are multiple values for a particular attribute the VALUES table is used to

Art Unit: 2169

convey all the possible choices for that attribute for that product. The product table is then expanded, again with a "LINKFROM" field.

The last part of Appellant's argument is that there is no "capability to transmit" the product table and the stoplist table as a package. Paragraph 0077 teaches storing the entire database as relational or objected-oriented database (one packaged structure). Paragraph 0105 discloses the method of copying a catalog to create a new catalog. This process includes copying the "entire content of the old (i.e., parent) database before making changes. Further, figure 4 and its corresponding discussion in paragraph 0075 are clearly disclosing different versions of the database being located at different locations after being transferred.

It is noted that Appellant's claims only require "one or more values in a set of one or more constant lists" and "one or more calculations that operate on the one or more values" stored in the self expanding data package. Therefore, Kark need only disclose one value in one list that has one calculation to be performed on it as part of the self-expanding data package in order to meet the requirements of Appellant's claims.

Appellant states "nowhere is such information put into a package". This is clearly incorrect as paragraph 0077 teaches putting all the information stored in the tables in a relational or object-oriented database. Paragraph 0105 teaches copying this database to create a new version of the catalog on another server.

Appellant further states "nowhere is such information put into a package that is self expanding". However, this is incorrect. The nature of a relational database is to be "self expanding" by linking by fields to other tables. In this case "LINKFROM fields" are used both to expand a table using other data from inside that table (in the case of a product having a sub-

Art Unit: 2169

product (see paragraph 0085)) and to expand the table to include any of varying attributes that are available for a particular product found in another table. For instance products available in different colors or different fabrics (see paragraphs 0092-0094).

Appellant admits that there are provided “a product table having various fields and link fields that point to other products related to the current product” and states that this is “merely a table”. However, these links expand a simple table to include other values that are not otherwise found in that table, and are instead found in other tables. This expands the information found in that original table.

Appellant states that a stoplist data structure “is not equivalent to calculations that operate on values in constant lists”, on the top of page 10, but offers no explanation as to why this is so. A stoplist is a list of products that should not be presented to users under certain circumstances, as stated above. A stoplist defined in the database schema disclosed by Kark defines that if a certain situation occurs, don't display these items; removing those items from the client view.

Appellant states that a stoplist “is not stored in the same package as that of the values referred to in the prior paragraph.” It is not clear why Appellant feels this way since the STOPLIST table is defined in the database as part of its schema and would be part of that database (see paragraph 0098, “[t]wo additional tables are defined in the database”). All of these structures are going to be stored in either a relational or object-oriented database as defined by Kark (see paragraph 0077).

Again, Appellant alleges that the limitation “transmitting the self-expanding data package to a second computer system that expands the self-expanding data package into an expanded table having expanded table rows”. Clearly, as stated above, paragraph 0105 teaches “copying a

Art Unit: 2169

catalog from a parent to a child as a starting point for new product information” catalog. This parent child relationship is shown in figure 4. The corresponding description in paragraph 0075 clearly indicates that channel partners are different entities that do business together and therefore would be separate computer systems.

Applicant states that the cited paragraphs do not disclose "the ability to expand a package that contains specific information into a particular formatted table as claimed". However, Appellant has made no claim to taking specific information from a database and only transporting that specific information. Appellant only claims transmitting [the entire] self-expanding data package. Which, when compared to the teachings of Kark, appears to be the transferring of the entire database itself. That is, the database is the self-expanding data package.

Appellant states that the advantage of transporting the claimed invention over a data channel is that it is more “lightweight” as reflected in the title. The examiner submits that Kark and most any database system with linked tables has the same advantage. The reason Kark links to other tables is to minimize the amount of redundant data that needs to be placed into one table. For instance a product that has sub-products does not have to define those sub-products in the same row. The LINKFROM field allows linking to that sub product for further definition. The same is true with a product that has multiple attributes such as coming in a variety of colors or fabrics.

It is believed that the remaining arguments in this section were addressed above, and will only be addressed briefly here.

Art Unit: 2169

In response to Appellant's arguments that "Kark fails to teach, disclose or suggest single package that contains both a set of constant lists and calculations that are performed on combinations of the constant lists", the arguments have been considered, but are not deemed persuasive. This is clearly incorrect as paragraph 0077 teaches putting all the information stored in the tables in a relational or object-oriented database. Paragraph 0105 teaches copying this database to create a new version of the catalog on another server.

In response to Appellant's arguments that "Kark fails to teach, disclose or suggest such calculations that eliminate rows/ combinations of such constant lists", the arguments have been considered, but are not deemed persuasive. Clearly a "stoplist" as discussed in paragraph 0098 is used to "eliminate rows/ combinations of such constant lists". "The STOPLIST table 520 and STOPLIST_ITEM table 522 in combination define products that are not intended to be presented to users depending upon external factors such as the portal used to access the catalog."

In response to Appellant's arguments that "Kark fails to teach, disclose or suggest transmitting a package that has constant lists and calculations to a second computer where it is expanded into a table", the arguments have been considered, but are not deemed persuasive. As discussed above, the catalog is stored in relational or object oriented database which is then copied to third parties. The product table has several LINKFROM fields which expand the product table to include the data which is found in other tables or include further products from the product table. See paragraphs 0085 and 0092-0095.

Art Unit: 2169

2. Dependent claims 13, 39, and 65

Appellant does not appear to be raising any issues in this section of the brief that were not addressed above.

3. Dependent claims 14, 40, and 66

In response to Appellant's arguments that "nowhere is there any test of validity of such a row in a stoplist", the arguments have been considered, but are not deemed persuasive. A stoplist as defined in paragraph 0055 of Kark "identifies products in corresponding catalogs to be excluded from presentation to a requesting user based on portal used for accessing the database by the user". Therefore a stoplist is removing all items that are not valid to the portal the user is using.

4. Dependent claims 15, 41, and 67

In response to Appellant's arguments that the test is not a precursor, the arguments have been considered, but are not deemed persuasive. The products in the stoplist are removed before being displayed to the user. Appellant's claim does not state what the "precursor conditional test" is a precursor to, but it is believed that Appellant meant it was a precursor to being part of the table displayed to the user. Therefore, since products in the product table are removed before the products are displayed to the user, it is believed that the claim limitations are met.

5. Dependent claims 16, 42, and 68

Appellant does not raise any issues in this section of the brief.

6. Dependent claims 18, 44, and 70

In response to Appellant's arguments that "nowhere is there even a remote reference ... to eliminating a duplicate row", the arguments have been considered, but are not deemed persuasive. Paragraph 0107 was cited in error, however, paragraph 0082 teaches having different versions of the same catalog. It is implicit to one having ordinary skill in the art that a product catalog having more than one version would have some duplicate items throughout the versions. Displaying a particular version to the end user would eliminate these duplicate items.

7. Dependent claims 19, 45, and 71

Appellant does not raise any issues in this section of the brief.

8. Dependent claims 20, 46, and 72

Appellant does not raise any issues in this section of the brief.

9. Dependent claims 20, 46, and 72

Appellant does not raise any issues in this section of the brief.

10. Dependent claims 22, 48, and 74

Appellant does not raise any issues in this section of the brief.

11. Dependent claims 23, 49, and 75

Art Unit: 2169

Appellant does not raise any issues in this section of the brief.

12. Dependent claims 24, 50, and 76

In response to Appellant's arguments that "nowhere in Kark is there any capability to place logic for expanding a package into the package itself", the arguments have been considered, but are not deemed persuasive. Kark's database is defined with schema, and built into the schema is relationships between the tables. These relationships are used to build the product view given to the client of the products offered (see paragraph 0077). Part of the defined schema entails a stoplist. Clearly if this stoplist is being used to eliminate some of the items that can be viewed by the client, a logic operation is being performed to remove those items.

B. Dependent claims 17, 43, and 69

Appellant does not raise any issues in this section of the brief.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

Art Unit: 2169

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Jacob F Bétit/

Examiner, Art Unit 2169

Conferees:

/Charles Rones/

Supervisory Patent Examiner, Art Unit 2164

Charles Rones

/Vincent F. Boccio/

Primary Examiner, Art Unit 2169

Appeal Specialist TC2100

An appeal conference was held on 12 August 2008, and it was agreed to proceed to the Board of Patent Appeals and Interferences.